

May 12, 2020

Ms. Jie Shao, AICP  
Principal Planner  
Charlotte County Community Development  
18400 Murdock Circle, FL 33948  
Port Charlotte, FL

**RE: Victoria Estates (AKA Kings Gate)  
DRI Build-Out Extension**

Dear Ms. Shao:

On behalf of Neal Communities of SW Florida, LLC ("Applicant") please accept this correspondence as a formal request to extend the above referenced Development of Regional Impact (DRI) build-out date in the Development Order (Resolution 2009-238).

The build-out date is currently August 12, 2020 pursuant to the last extension granted by Charlotte County pursuant to Executive Order 19-206. The Applicant is seeking a fifteen-year extension, allowing for a buildout date of August 12, 2035.

To assist in your review, please find the following items enclosed:

- 1) Check in the amount of \$2,640.00;
- 2) Completed Amendment to DRI DO application form;
- 3) Original executed affidavit and agent authorization form;
- 4) Copy of latest DRI DO extension; and
- 5) Copy of Resolution 2009-238.

Thank you in advance for your consideration of the above information. If you have any further questions, please do not hesitate to contact me directly at (239) 850-8525, or [Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com).

Sincerely,

**WALDROP ENGINEERING, P.A.**



Alexis V. Crespo, AICP  
Senior Vice President – Planning

Enclosures



**APPLICATION FOR  
AMENDMENT TO  
THE DEVELOPMENT OF REGIONAL IMPACT  
DEVELOPMENT ORDER**

**Application Requirements**

- **Completeness Review:** Supply one unbound copy of the application (see checklist below). The application will be reviewed for completeness within five days of submittal. If deemed incomplete, the applicant will be informed of what information is needed by email and phone. The application will not be reviewed further until the information is supplied. **Do not submit the additional copies, described below, to the Department until you are informed by staff that the application is complete.**
- **Additional copies subsequent to Completeness Review:** the applicant is required to supply 6 hardcopy sets of all documents, 1 digital set in PDF format of all documents, 1 copy of the proposed resolution in Word format, 1 set of the boundary survey and proposed map H in AutoCAD format. If no changes were required to obtain completeness then the original submittal will count as 1 of the 6 hardcopy sets.

**Checklist**

- ☐ Survey and accurate legal description (including acreage), **signed and sealed** by a registered land surveyor, tied to the state plane coordinate system.
- ☐ Most current *Title Insurance Policy* or an *Ownership and Encumbrance Report* for subject property
- ☐ Affidavit, signed and notarized, stating the truth, accuracy and completeness of the application and all attachments
- ☐ Property owner authorization to applicant to submit petition, Form A, as applicable
- ☐ Applicant authorization to agent to submit petition, Form B, as applicable
- ☐ A copy of any covenants, easements or restrictions that have been recorded for the subject site
- ☐ If any portion of the property is in the Coastal High Hazard Area, a map outlining this area according to Storm Surge zones and an indication of the base residential density within each zone, as applicable.
- ☐ Filing fee (**\$3,350.00**), major amendment, such as increase or decrease of development rights, with check made payable to the Charlotte County Board of County Commissioners or CCBCC
- ☐ Filing fee (**\$2,640.00**), minor amendment, such as buildout date, with check made payable to the Charlotte County Board of County Commissioners or CCBCC



**APPLICATION for  
AMENDMENT TO  
THE DEVELOPMENT OF REGIONAL IMPACT  
DEVELOPMENT ORDER**

Date Received:	Time Received:
Date of Log-in:	Petition #: Accela #:
Receipt #:	Amount Paid:

**A. Indicate the name of the existing DRI:**

- ❖ *Provide a complete copy of the existing DO, which includes any prior changes, in Word format with use of strikethrough and underline to show the proposed changes.*

**B. Parties involved in the Application**

Name of Applicant:

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

Name of Agent:

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

Name of Engineer/Surveyor:

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

Name of Property Owner (if more than one property owner, attach a separate sheet with a list of all owners):

Mailing Address:

City:

State:

Zip Code:

Phone Number:

Fax Number:

Email Address:

**C. ASSOCIATED APPLICATION(S):**

Please indicate if you intend to separately submit any of the following associated applications:

\_\_\_\_\_ Rezoning

Provide a summary of the proposed amendments:

**D. PROPERTY INFORMATION:**

**Attach a separate list that includes the following information for each parcel or lot included within the DRI associated with this application, grouped by account number**

Property Account Number:

Section:

Township:

Range:

Parcel/Lot #:

Block #:

Subdivision:

Total acreage or square feet of the property:

### AFFIDAVIT

I, the undersigned, being first duly sworn, depose and say that I am the owner or agent of the property described and which is the subject matter of the proposed hearing; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that if I am not the owner of the property I have attached a notarized authorization from the owner(s) to submit this application. For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed. I acknowledge that all items listed in the application must be submitted concurrent at the time the County accepts the application. I swear that the attached list of adjacent property owners is complete, including all property owners within 200 feet of the subject properties (excluding right-of-ways), that it is correct, providing addresses as listed in the County Tax Roll.

STATE OF FLORIDA, COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 7 day of May, 2020, by James Schier who is personally known to me or has/have produced

as identification and who did/did not take an oath.

Ivory Crofoot

Notary Public Signature

Ivory Crofoot

Notary Printed Signature

James R. Schier

Signature of Applicant or Agent

James R. Schier

Printed Signature of Applicant or Agent

5800 Lakewood Ranch Blvd

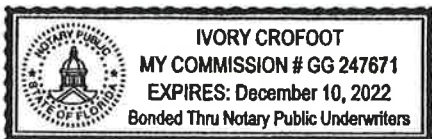
Sarasota, FL 34240

Title

Address

Commission Code

City, State, Zip



941 328 1046

Telephone Number

**FORM B. APPLICANT AUTHORIZATION TO AGENT**

I, the undersigned, being first duly sworn, depose and say that I am the applicant for the property described and which is the subject matter of the proposed hearing.

I give authorization for Alexis Crespo & Danielle Ellis, Waldrop Engineering, P.A. to be my agent for this application.

STATE OF FLORIDA, COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 7 day of May, 2020, by

James Schier who is personally known to me or has/have produced  
as identification and who did/did not take an oath.

Ivory Crofoot  
Notary Public Signature

James R. Schier  
Signature of Applicant

Ivory Crofoot  
Notary Printed Signature

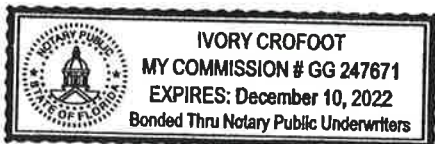
James R. Schier  
Printed Signature of Applicant

Title Address 5800 Lakewood Ranch Blvd  
Sarasota, FL 34240

Commission Code City, State, Zip

941 328 1640

Telephone Number



## Alexis Crespo

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**From:** Shao, Jie <Jie.Shao@charlottecountyfl.gov>  
**Sent:** Wednesday, November 6, 2019 10:12 PM  
**To:** Alexis Crespo  
**Cc:** Jubb, Claire; Franks, Maryann; Cullinan, Shaun; Bjordahl, Stacy  
**Subject:** RE: Request for Extensions of Victoria Estates, DRI per Executive Orders #18-281 & #18-282  
**Attachments:** EO\_19-206.pdf

Good evening, Alexis,

The request which you emailed us is sufficient.

The new buildout date for the Victoria Estate DRI DO is August 12, 2020.

I attached the Executive Order 19-206 for your reference because Executive Order 19-189 was amended.

If you have any questions or concerns, please feel free to let us know.

Thank you,  
Jie

Jie Shao, AICP, MCP  
Planner, Principal  
Charlotte County Community Development Department  
941.743.1272  
18400 Murdock Circle, FL 33948  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
Delivery Exceptional Service



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**From:** Alexis Crespo <Alexis.Crespo@waldropengineering.com>  
**Sent:** Wednesday, November 6, 2019 4:23 PM  
**To:** Shao, Jie <Jie.Shao@charlottecountyfl.gov>  
**Cc:** Jubb, Claire <Claire.Jubb@charlottecountyfl.gov>; Franks, Maryann <Maryann.Franks@charlottecountyfl.gov>; Cullinan, Shaun <Shaun.Cullinan@charlottecountyfl.gov>; Bjordahl, Stacy <Stacy.Bjordahl@charlottecountyfl.gov>  
**Subject:** RE: Request for Extensions of Victoria Estates, DRI per Executive Orders #18-281 & #18-282

**Caution – This email originated from outside of our organization. Please do not open any attachments or click on any links from unknown sources or unexpected email.**

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Hi Jie – I am attaching an extension request under the Hurricane Dorian executive orders. Is there an application form I need to fill out, or will this suffice?

Thanks,

**Alexis Crespo** AICP  
Senior Vice President – Planning



alexis.crespo@waldropengineering.com | waldropengineering.com  
o (239) 405-7777 | d (239) 908-3405 | c (239) 850-8525

**BONITA SPRINGS** | FORT MYERS | ORLANDO | SARASOTA | TAMPA  
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135

NOTICE. Upon receipt of any electronic file/data from Waldrop Engineering, P.A., you are agreeing to the following: This file/data is for informational purposes only. It is the responsibility of the recipient to reconcile this electronic file/data with the actual project site conditions. Recipient agrees to indemnify and hold harmless Waldrop Engineering, P.A. for any defects or errors in this file/data.

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**From:** Shao, Jie <[Jie.Shao@charlottecountyfl.gov](mailto:Jie.Shao@charlottecountyfl.gov)>  
**Sent:** Monday, October 28, 2019 3:01 PM  
**To:** Alexis Crespo <[Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com)>  
**Cc:** Jubb, Claire <[Claire.Jubb@charlottecountyfl.gov](mailto:Claire.Jubb@charlottecountyfl.gov)>; Franks, Maryann <[Maryann.Franks@charlottecountyfl.gov](mailto:Maryann.Franks@charlottecountyfl.gov)>; Cullinan, Shaun <[Shaun.Cullinan@charlottecountyfl.gov](mailto:Shaun.Cullinan@charlottecountyfl.gov)>; Bjordahl, Stacy <[Stacy.Bjordahl@charlottecountyfl.gov](mailto:Stacy.Bjordahl@charlottecountyfl.gov)>  
**Subject:** FW: Request for Extensions of Victoria Estates, DRI per Executive Orders #18-281 & #18-282  
**Importance:** High

Good afternoon, Alexis,

Benderson development requested to extend the buildout date for this DRI DO. The new buildout date for the Victoria Estate DRI DO is January 21, 2020.

Thank you,  
Jie

Jie Shao, AICP, MCP  
Planner, Principal  
Charlotte County Community Development Department  
941.743.1272  
18400 Murdock Circle, FL 33948  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
Delivery Exceptional Service



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**From:** Shao, Jie  
**Sent:** Thursday, April 4, 2019 1:55 PM  
**To:** Sheryl Schleicher <[SherylSchleicher@benderson.com](mailto:SherylSchleicher@benderson.com)>  
**Cc:** Planning Zoning <[PlanningZoning@charlottecountyfl.gov](mailto:PlanningZoning@charlottecountyfl.gov)>; Todd Mathes <[ToddMathes@benderson.com](mailto:ToddMathes@benderson.com)>; Cullinan, Shaun <[Shaun.Cullinan@charlottecountyfl.gov](mailto:Shaun.Cullinan@charlottecountyfl.gov)>; Franks, Maryann <[Maryann.Franks@charlottecountyfl.gov](mailto:Maryann.Franks@charlottecountyfl.gov)>  
**Subject:** RE: Request for Extensions of Victoria Estates, DRI per Executive Orders #18-281 & #18-282  
**Importance:** High

Good afternoon, Sheryl,



The new buildout date for the Victoria Estate DRI DO is January 21, 2020.

If you have any questions or concerns, please feel free to let me know.

Thank you,  
Jie

Jie Shao, AICP, MCP  
Planner, Principal  
Charlotte County Community Development Department  
941.743.1272  
18400 Murdock Circle, FL 33948  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
Delivery Exceptional Service



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**From:** Shao, Jie  
**Sent:** Thursday, March 07, 2019 3:25 PM  
**To:** Sheryl Schleicher <[SherylSchleicher@benderson.com](mailto:SherylSchleicher@benderson.com)>  
**Cc:** Planning Zoning <[PlanningZoning@charlottecountyfl.gov](mailto:PlanningZoning@charlottecountyfl.gov)>; Todd Mathes <[ToddMathes@benderson.com](mailto:ToddMathes@benderson.com)>; Cullinan, Shaun <[Shaun.Cullinan@charlottecountyfl.gov](mailto:Shaun.Cullinan@charlottecountyfl.gov)>  
**Subject:** RE: Request for Extensions of Victoria Estates, DRI per Executive Orders #18-281 & #18-282

Good afternoon, Sheryl,

We received your request and will email you the new dates soon.

Thank you!  
Jie

Jie Shao, AICP, MCP  
Planner, Principal  
Charlotte County Community Development Department  
941.743.1272  
18400 Murdock Circle, FL 33948  
[CharlotteCountyFL.gov](http://CharlotteCountyFL.gov)  
Delivery Exceptional Service



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**From:** Sheryl Schleicher [<mailto:SherylSchleicher@benderson.com>]  
**Sent:** Thursday, March 07, 2019 2:54 PM  
**To:** Shao, Jie <[Jie.Shao@charlottecountyfl.gov](mailto:Jie.Shao@charlottecountyfl.gov)>  
**Cc:** Planning Zoning <[PlanningZoning@charlottecountyfl.gov](mailto:PlanningZoning@charlottecountyfl.gov)>; Todd Mathes <[ToddMathes@benderson.com](mailto:ToddMathes@benderson.com)>  
**Subject:** Request for Extensions of Victoria Estates, DRI per Executive Orders #18-281 & #18-282

Hi Jie,  
Please find attached the request for extensions of Victoria Estates DRI pursuant to Executive Orders #18-281 (Hurricane Maria) and #18-282 (Red Tide).  
Let me know if you have any questions or comments.  
Your assistance is greatly appreciated.  
Thank you,

Sheryl Schleicher



7978 COOPER CREEK BOULEVARD  
UNIVERSITY PARK, FLORIDA 34201  
PHONE: 941.359.8303 FAX: 941.359.1836

This email and any attachments are intended only for the use of the addressee, and may contain information that is privileged or confidential. If you are not the intended addressee, or the person responsible to deliver this communication to the intended addressee, you are hereby notified that any use, dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error, please immediately notify the sender and destroy this communication, including any attachments hereto or links contained herein.

Although we have taken reasonable precautions to ensure no viruses or malware content are present in this email, we cannot accept responsibility for any loss or damage arising from the use of this email or attached files.

CHARLOTTE COUNTY CLERK OF THE CIRCUIT COURT OR BOOK 3412, PGS 410-417 8 pg(s)  
 INSTR # 1873203 Doc Type GOV, Recorded 08/24/2009 at 10:31 AM Rec. Fee:  
 \$69.50 Cashier By: MARGEC

Chg.  
 Rec.  
 #14

RESOLUTION  
 NUMBER 2009- 238

A RESOLUTION AMENDING RESOLUTION 2006-025, RESOLUTION 2004-243, RESOLUTION 2003-083, RESOLUTION 2002-109, RESOLUTION 94-111 AND RESOLUTION 89-141, AMENDING THE DEVELOPMENT ORDER FOR THE VICTORIA ESTATES DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR A REVISED MAP H "A-1" VICTORIA ESTATES DRI, TRACT A MASTER LAND USE PLAN; PROVIDING FOR A REVISED EXHIBIT 1-A TRACT "A"; PROVIDING FOR A REVISED EXHIBIT 3; FINDING THAT THIS AMENDMENT DOES NOT CONSTITUTE A SUBSTANTIAL DEVIATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, on July 11, 1989, the Board of County Commissioners of Charlotte County, Florida (herein "the Board"), approved Resolution 89-141, constituting the Development Order for a development known as Victoria Estates Development of Regional Impact (herein "the Victoria Estates DRI"); and

WHEREAS, on June 21, 1994, the Board approved Resolution 94-111 thereby amending Resolution 89-141, extending the effective period of the Development Order for Victoria Estates DRI, amending the Land Use and Phasing Schedule, and determining that such amendments did not constitute a substantial deviation of the previously approved Development Order (such Development Order created by Resolution 89-141 as amended by Resolution 91-111 herein referred to as "the Development Order" or "Victoria Estates DRI Development Order"); and

WHEREAS, the Development Order allows a total of 1,700 mobile homes, 370,000 square feet of commercial and office uses, and a 18-hole golf course on separate parcels identified as Tracts A and B; and

WHEREAS, the Board approved Resolution 96-042 that rezoned Tract A from Mobile Home Park (MHP) to Planned Development (PD) and concurrently approved a Planned Development plan (PD-96-3) that allows a mix of housing types consisting of detached residential and mobile homes for Tract A; and

WHEREAS, on August 13, 2002, the Board approved Resolution 2002-109 thereby amending the Development Order, extending the effective date of the Development Order to December 30, 2004, amending the Land Use and Phasing Schedule, and finding those changes did not constitute a substantial deviation; and





WHEREAS, infrastructure, 18-hole golf course, lakes, open space and other development components of Tract A were essentially completed by the extended effective date of December 30, 2004 for the Development Order; and

WHEREAS, on May 27, 2003, the Board approved Resolution 2003-083 thereby amending the Development Order, as a condition for rezoning Tract B from MHP to PD (Resolution No. 2002-064 and Planned Development Plan PD-02-1), that involved reduction in construction of 360 mobile homes to 205 conventional site-built residential units, relocation of ingress and egress for Tract B, redistribution of recreational area within Tract B, and finding those changes did not constitute a substantial deviation; and

WHEREAS, on November 23, 2004, by adoption of Resolution 2004-243, the Board approved an amendment to the Development Order for Victoria Estates DRI, extending the effective period of the Development Order to May 31, 2007 allowing additional time for market absorption of remaining vertical residential and commercial construction on Tract A, commencing of construction on Tract B, amending the Land Use and Phasing Schedule, and finding that those changes did not constitute a substantial deviation; and

WHEREAS, on February 14, 2006, the Board approved Resolution 2006-025 providing for a revised Map H "A-1," a revised Map H "B-1-1," updating the Land Use and Phasing Schedule, providing monitoring report requirements and deadlines, providing a Rampart Boulevard improvement plan, extending the effective date of the development order to May 31, 2010 and finding those changes did not constitute a substantial deviation; and

WHEREAS, the Board has reviewed and considered the requested amendment and finds that it is not inconsistent with the Charlotte County Comprehensive Plan or local land use regulations, or with the previously approved Development Order, and also finds that, pursuant to Section 380.06 (19), F.S., the amendments do not constitute a substantial deviation.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. For Tract A, Map H1, Master Development Plan, contained in Resolution 89-141, which was deleted in its entirety and replaced with Map H-"A" and Map H-"A-1" in Resolution 2002-109, Resolution 2003-083, Resolution 2004-242 and Resolution 2006-025, respectively, is hereby deleted in its entirety and replaced with Map H-"A-1" contained in Exhibit 1 of this Resolution.

2. Exhibit 1-A Tract "A" of Resolution 89-141 is hereby deleted in its entirety and replaced with Exhibit 1-A Tract "A" contained in Exhibit 2 of this Resolution.

3. Exhibit 3, Section 12 Commercial Areas of Resolution 89-141 is hereby deleted in its entirety and replaced with the following:

12. COMMERCIAL AREAS

- a. The applicant proposes to develop a 28.574 acre parcel and a 17.18 acre parcel within the project for commercial use. Both parcels have the appropriate designation on the comprehensive plan's future land use map for commercial development.

4. Exhibit 3, Section 4 Transportation of Resolution 89-141 is hereby amended to add the following new subparagraph e:

- e. The applicant shall extend Rampart Boulevard from Kings Highway to Loveland Boulevard (hereafter the "Extension"). The applicant shall receive impact fee credits equal to the total cost of designing, permitting and constructing the Extension.

5. Paragraph 5 of Resolution 2006-025 is hereby amended as follows:

- 5. The ~~effective date of the~~ Development Order is extended to May 31, ~~2010~~ 2013 to allow additional time for demolition of mobile homes and construction of vertical development on Tract A as presented in Map H "A-1" of Exhibit 1, Tract B as presented in Map H "B-1-1" of Exhibit 2 and Exhibit 3 of this Resolution. Charlotte County agrees that May 31, ~~2010~~ 2013 is the date until which that the approved DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred, or that the development order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare pursuant to 9J-2.025, F.A.C.

6. The amendments to the Development Order contained in this Resolution do not constitute a substantial deviation to the conditions of Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended.

7. All other terms and conditions of the Victoria Estates DRI Development Order adopted by Resolution 89-141, as amended, not affected by this Resolution shall remain unchanged and in full force and effect.

8. This Resolution shall become effective immediately upon its adoption.

9. The Clerk of the Circuit Court is hereby directed to forward certified copies of this Resolution to Department of Community Affairs, Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399; and to Southwest Florida Regional Planning Council, 1925 Victoria Avenue, Ft. Myers, Florida 33901.

PASSED AND DULY ADOPTED this 18 day August, 2009.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: Patricia M. Duffy  
Patricia M. Duffy, Chair

ATTEST:  
Barbara T. Scott, Clerk of  
Circuit Court and Ex-officio  
Clerk to Board of County Commissioners

By: Anne L. Bahler  
Deputy Clerk

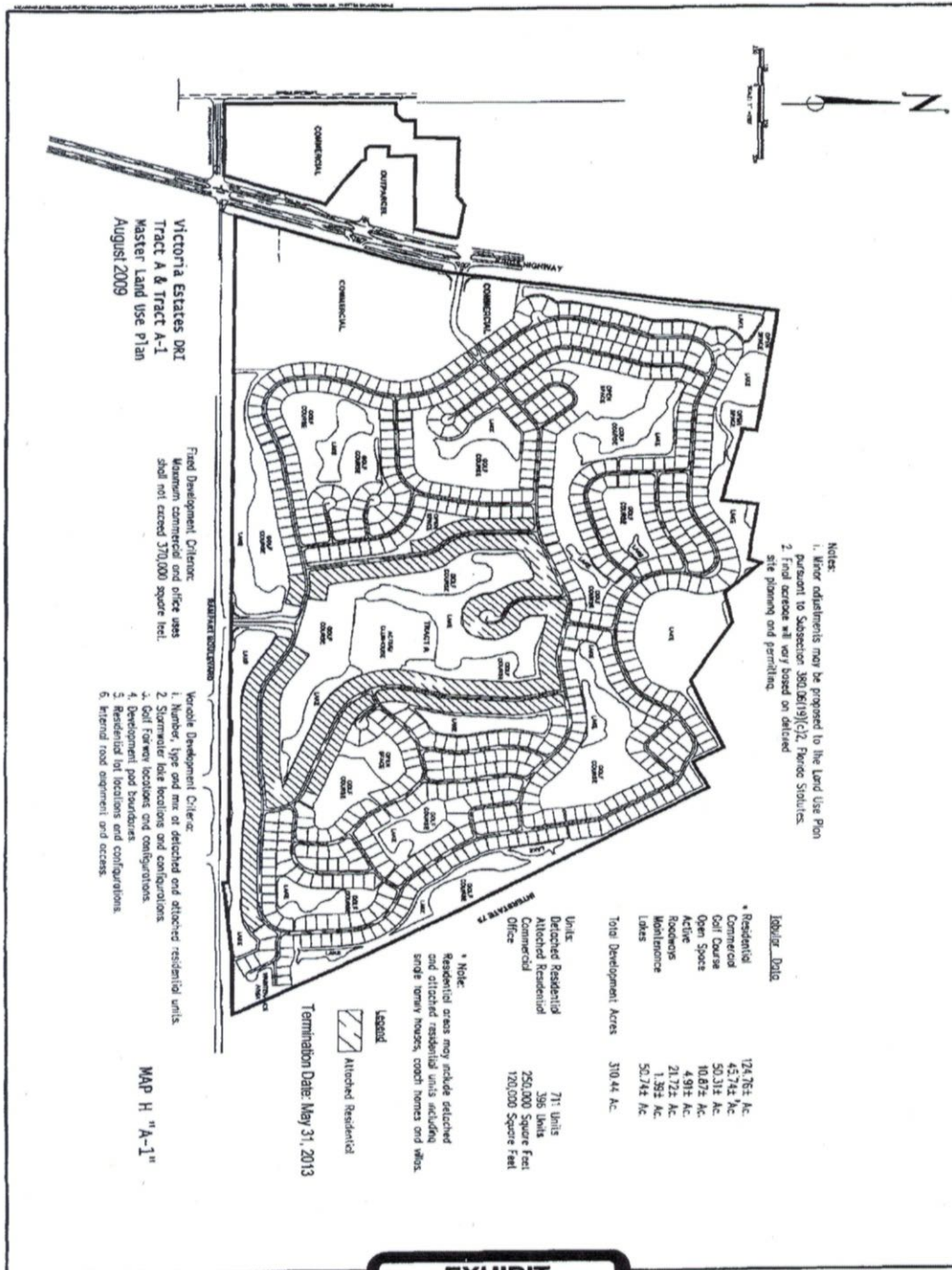
APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

Janette S. Knowlton  
Janette S. Knowlton, County Attorney LR09-444  
RB

p:\wpdata\public\karen\res\NOPC-09-04-04.Victoria Estates DRI.doc  
LR2009-444



EXHIBIT 1



EXHIBIT

1

## EXHIBIT 2

## EXHIBIT 1-A

## Tract "A"

Part of Sections 7 and 8, Township 40 South, Range 23 East, Charlotte County, Florida described as follows:

Commence at a pipe filled with concrete found at the Southwest corner of the Southwest quarter of said Section 7; thence South  $89^{\circ} 35' 32''$  East along the Southerly line of the Southwest quarter of said Section 7 a distance of 702.29 feet to the Easterly right-of-way line of Kings Highway (100 feet wide); thence North  $17^{\circ} 56' 42''$  East along said Easterly right-of-way line a distance of 52.43 feet to a line which is 50 feet Northerly of and parallel with the Southerly line of said Section 7 for the Point of Beginning; thence South  $89^{\circ} 35' 32''$  East along said parallel line a distance of 1947.16 feet; thence South  $89^{\circ} 35' 59''$  East continuing along said parallel line a distance of 2664.35 feet to the Westerly line of premises described in Parcel 125 by Order of Taking dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of Charlotte County, Florida (the following 7 calls are along the lines of said premises described in Parcel 125); thence North  $84^{\circ} 02' 15''$  East a distance of 437.05 feet; thence North  $84^{\circ} 02' 27''$  East a distance of 50.28 feet; thence North  $89^{\circ} 55' 37''$  East a distance of 403.85 feet; thence North  $25^{\circ} 41' 58''$  West a distance of 218.25 feet to the PC of a curve to the left having a central angle of  $03^{\circ} 14' 55''$  and a radius of 22,800.31 feet; thence Northwesterly along the arc a distance of 1292.75 feet; thence North  $28^{\circ} 56' 52''$  West a distance of 3012.44 feet; thence North  $30^{\circ} 05' 37''$  West a distance of 430.33 feet to its intersection with a line 901.25 feet Southerly of (as measured at right angles) and parallel with the Northerly line of said Section 7; thence North  $89^{\circ} 56' 32''$  West along said parallel line a distance of 2224.70 feet to a point in the Easterly line of premises conveyed by Order of Taking dated July 21, 1976 and recorded in Official Records Book 536 on Page 186 of the aforementioned Public Records said point being a point on a curve of which the radial point lies South  $67^{\circ} 00' 51''$  East a radial distance of 1467.89 feet (the following 2 calls are along the Easterly line of said premises conveyed by Order of Taking in Official Records Book 536, Page 186); thence Southwesterly along the arc through a central angle of  $14^{\circ} 36' 35''$  a distance of 374.29 feet; thence South  $11^{\circ} 13' 44''$  West a distance of 200.92 feet to the aforementioned Easterly right-of-way line of Kings Highway (the following 3 calls are along said Easterly right-of-way line); thence South  $08^{\circ} 22' 34''$  West a distance of 2405.79 feet to the PC of a curve to the right having a central angle of  $09^{\circ} 34' 08''$  and a radius of 2914.79 feet; thence Southwesterly along the arc a distance of 486.80 feet; thence South  $17^{\circ} 56' 42''$  West a distance of 1013.58 feet to the Point of Beginning.

There is excluded from the above described parcel, the following described land:

Part of Section 7, Township 40 South, Range 23 East, Charlotte County, Florida described as follows:

Commence at a pipe filled with concrete found at the Southwest corner of the Southwest quarter of said Section 7; thence South  $89^{\circ} 35' 32''$  East along the Southerly line of the Southwest quarter of said Section 7 a distance of 702.29 feet to the Easterly right-of-way line of Kings Highway (100 feet wide); thence North  $17^{\circ} 56' 42''$  East along said Easterly right-of-way line a distance of 52.43 feet to a line which is 50 feet Northerly of and parallel with the Southerly line of said Section 7; thence South  $89^{\circ} 35' 32''$  East along said parallel line a distance of 1947.16 feet;

EXHIBIT

2



Thence South 89° 35' 32" East along said parallel line a distance of 1947.16 feet; thence South 89° 35' 59" East continuing along said parallel line a distance of 2664.35 feet to the Westerly line of premises described in Parcel 125 by Order of Taking dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of Charlotte County, Florida (the following 8 calls are along the lines of said premises described in Parcel 125); thence North 84° 02' 15" East a distance of 437.05 feet; thence North 84° 02' 27" East a distance of 50.28 feet; thence North 89° 55' 37" East a distance of 403.85 feet; thence North 25° 41' 58" West a distance of 218.25 feet to the PC of a curve to the left having a central angle of 03° 14' 55" and a radius of 22,800.31 feet; thence Northwesterly along the arc a distance of 1292.75 feet; thence North 28° 56' 52" West a distance of 1691.13 feet to the Point of Beginning; thence continuing North 28° 56' 52" West a distance of 1321.31 feet; thence North 30° 05' 37" West a distance of 430.33 feet to its intersection with a line 901.25 feet Southerly of (as measured at right angles) and parallel with the Northerly line of said Section 7; thence North 89° 56' 32" West along said parallel line a distance of 2224.70 feet to a point in the Easterly line of premises conveyed by Order of Taking dated July 21, 1976 and recorded in Official Records Book 536 on Page 186 of the aforementioned Public Records, said point being a point on a curve of which the radius point lies South 67° 00' 51" East a radial distance of 1467.89 feet (the following 2 calls are along the Easterly line of said premises conveyed by Order of Taking in Official Records Book 536, Page 186); thence Southwesterly along the arc through a central angle of 14° 36' 35" a distance of 374.29 feet; thence South 11° 13' 44" West a distance of 200.92 feet to the aforementioned Easterly right-of-way line of Kings Highway; thence South 08° 22' 34" West along said Easterly right-of-way line a distance of 574.74 feet; thence South 81° 37' 22" East a distance of 869.97 feet; thence South 28° 21' 58" West a distance of 82.84 feet; thence South 75° 54' 43" East a distance of 502.48 feet; thence North 08° 21' 46" East a distance of 214.95 feet; thence South 81° 37' 21" East a distance of 381.54 feet; thence North 17° 51' 01" East a distance of 77.69 feet; thence South 42° 40' 19" East a distance of 285.03 feet; thence North 78° 30' 10" East a distance of 211.31 feet; thence South 58° 36' 15" East a distance of 468.58 feet; thence North 67° 07' 58" East a distance of 574.39 feet; thence South 27° 54' 45" East a distance of 200.03 feet; thence North 62° 05' 14" East a distance of 126.82 feet to the Point of Beginning.

There is excluded from the above described parcel, the following described land:

A tract of land lying in Section 7, Township 40 South, Range 23 East, Charlotte County, Florida described as follows:

Commence at a pipe filled with concrete found at the Southwest corner of the Southwest quarter of said Section 7; thence South 89° 35' 32" East along the Southerly line of the Southwest quarter of said Section 7 a distance of 702.29 feet to the Easterly right-of-way line of Kings Highway (100 feet wide); thence North 17° 56' 42" East along said Easterly right-of-way line a distance of 52.43 feet to a line which is 50 feet Northerly of and parallel with the Southerly line of said Section 7; thence South 89° 35' 32" East along said parallel line a distance of 1947.16 feet; thence South 89° 35' 59" East continuing along said parallel line a distance of 2664.35 feet to the Westerly line of premises described in Parcel 125 by Order of Taking dated July 21, 1976 recorded in Official Records Book 536 on Pages 185 and 186 of the Public Records of Charlotte County, Florida.

(The following B.Calls are along the lines of said premises described in Parcel 125);  
 thence North 84° 03' 15" East a distance of 437.05 feet; thence North 84° 02' 27" East  
 a distance of 50.28 feet; thence North 89° 55' 37" West a distance of 403.85 feet;  
 thence North 25° 41' 58" West a distance of 218.25 feet to the PC of a curve to the  
 left having a central angle of 03° 14' 55" and a radius of 22,800.31 feet; thence  
 Northwesterly along the arc of a distance of 1292.75 feet; thence North 28° 56' 52"  
 West a distance of 1691.13 feet to a SWN concrete monument; thence South 62° 05' 14"  
 West a distance of 126.82 feet to a SWN capped iron rod for the Point of Beginning;  
 thence North 27° 54' 45" West a distance of 200.03 feet to a SWN capped iron rod;  
 thence South 67° 07' 58" West a distance of 73.23 feet to a SWN concrete monument; thence  
 South 28° 56' 52" East a distance of 206.51 feet to a SWN concrete monument; thence  
 North 62° 05' 14" East a distance of 69.21 feet to the Point of Beginning.

Together with:

THAT CERTAIN PARCEL OF LAND LYING IN SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST, BEING  
 DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 7, TOWNSHIP 40 SOUTH, RANGE 23 EAST; THENCE  
 S 89°20'10" E, ALONG THE SOUTH LINE OF SAID SECTION 7, A DISTANCE OF 35.00 FEET TO THE POINT OF  
 BEGINNING;

THENCE CONTINUE S 89°20'10" E, ALONG SAID SOUTH LINE, A DISTANCE OF 482.57 FEET TO THE  
 WESTERLY RIGHT-OF-WAY LINE OF KINGS HIGHWAY; THENCE N 18°16'41" E, ALONG SAID WESTERLY  
 RIGHT-OF-WAY LINE, A DISTANCE OF 645.79 FEET; THENCE N 53°28'53" W, ALONG SAID RIGHT-OF-WAY  
 LINE, A DISTANCE OF 356.03 FEET; THENCE N 21°18'14" W, A DISTANCE OF 26.58 FEET; THENCE N  
 89°20'10" W, A DISTANCE OF 69.75 FEET; THENCE N 47°04'08" W, A DISTANCE OF 26.21 FEET; THENCE N  
 00°37'29" E, A DISTANCE OF 119.38 FEET; THENCE S 89°22'31" E, A DISTANCE OF 65.00 FEET; THENCE N  
 00°37'29" E, A DISTANCE OF 161.86 FEET; THENCE S 89°18'10" E, A DISTANCE OF 489.36 FEET TO A POINT  
 ON THE ARC OF A CURVE CONCAVE NORTHWESTERLY WHOSE RADIUS POINT LIES N 73°51'18" W, A  
 DISTANCE OF 3091.90 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT THROUGH A  
 CENTRAL ANGLE OF 05°04'49" A DISTANCE OF 274.16 FEET TO A POINT OF NON-TANGENCY; THENCE N  
 79°23'08" W, A DISTANCE OF 54.37 FEET; THENCE S 83°49'54" W, A DISTANCE OF 69.10 FEET; THENCE N  
 79°48'37" W, A DISTANCE OF 129.54 FEET; THENCE S 41°38'29" W, A DISTANCE OF 39.22 FEET; THENCE N  
 89°18'10" W, A DISTANCE OF 434.36 FEET; THENCE S 00°41'50" W, A DISTANCE OF 259.98 FEET; THENCE N  
 89°18'10" W, A DISTANCE OF 83.59 FEET; THENCE S 00°39'50" W, A DISTANCE OF 74.48 FEET; THENCE S  
 45°25'54" W, A DISTANCE OF 63.90 FEET; THENCE N 89°48'02" W, A DISTANCE OF 75.47 FEET TO THE  
 INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF LOVELAND BOULEVARD; THENCE S 00°11'58" W,  
 ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1027.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 748,523 SQUARE FEET (17.18 ACRES).